

REMARKS/ARGUMENTS

The Final Office Action mailed February 23, 2007 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Applicant and Applicant's Attorney thanks the Examiners for his help and assistance in furthering prosecution of this application.

The 35 U.S.C. § 103 Rejection

Claims 15-22 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over a single reference Acres (US Patent 6,565,434) among which claim 15 is an independent claim. This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.) § 2143,

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.

Specifically, the Office Action contends that a "Acres substantially teaches the claimed invention except for the master gaming controller having multiple communication port. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include multiple communication port, to designate each port for a specific duty to speed up the communication between the master gaming controller and the gaming machines. Since it has been held that mere duplication of essential working parts of a device requires only routine skill in the art. *St. Regis Paper Co., v. Bemis Co.*, 193 USPQ 8." Applicant respectfully disagrees for the reasons, among others, set forth below.

The office action admits that Acres does not teach the master gaming controller having multiple communication ports, but does not provide a specific citation where such a limitation is found, instead arguing that one of ordinary skill in the art would have found it obvious "to include multiple communications ports, to designate each port for a specific duty to speed up the communication between the master gaming controller and the gaming machines" to arrive at the additional claim limitation. Therefore, applicant assumes that the Office Action intended to take official notice of facts under M.P.E.P. 2144.03 that the rationale supporting the obviousness rejection is based on common knowledge in the art or "well-known" prior art. Under M.P.E.P. 2144.03, "[i]f the applicant traverses such an assertion the examiner should cite a reference in support of his or her position." Applicant hereby traverses the assertion and requests that a reference be cited in support of the position outlined in the Office Action.

Additionally, the office action also relies on *St. Regis Paper Co., v. Bemis Co.* for the assertion that one of ordinary skill in the art would have found it obvious "to include multiple communications ports, to designate each port for a specific duty to speed up the communication between the master gaming controller and the gaming machines" since mere duplication of essential working parts of a device requires only routine skill in the art. However, the ruling was improperly applied as a per se rule.

The "mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." *In re Fritch*, 972 F.2d 1260, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992). Thus, it is respectfully requested that the Examiner specifically point out the suggestion or motivation asserted above.

Accordingly, since Acres does not teach or suggest all the claim limitations, it can not be said to anticipate the claimed invention. As to dependent claims, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable. In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance. It is respectfully requested that this rejection be withdrawn.

Request for Entry of Amendment

Entry of this Amendment will place the Application in better condition for allowance, or at the least, narrow any issues for an appeal. Accordingly, entry of this Amendment is appropriate and is respectfully requested.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited and Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Respectfully submitted,
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